GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:621
ANSWERED ON:28.07.2006
APPOINTMENT OF NOTARIES
Karunakaran Shri P.

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the norms prescribed for appointment of notaries in various States of the country ;

(b) the number of notaries allowed to practice in each State ;

(c) whether the Government of Kerala has recently requested the Union Government to enhance the number of notaries in the State; and

(d) if so, the response of the Union Government thereto?

Answer

MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K.VENKATAPATHY)

(a) : The norms for appointing a Notary Public are laid down under the Notaries Act, 1952 and the Notaries Rules, 1956. Under Section 3 of the said Act, the Central Government as well as the State Governments are empowered to appoint Notaries. The Central Government has power to appoint Notaries for the whole or any part of India, whereas a State Government is empowered to appoint Notaries for whole or any part of the State concerned. Under Rule 3 of the Notaries Rules, a person from amongst legal practitioners may apply for appointment as a notary, if he had been practising at least for 10 years. In case the applicant for notary-ship is a person belonging either to the Scheduled Castes, Scheduled Tribes and Other Backward Classes or a woman, then the condition for eligibility for appointment as a notary is 7 years of legal practice. A person is also eligible for appointment as a notary if he has been a member of Indian Legal Service under the Central Government or if he has been for ten years, a member of Judicial Service, or held an office under the Central Government or a State Government requiring special knowledge of law after enrolment as an Advocate or held an office in the Department of Judge Advocate General or in the legal department of the Armed Forces.

The eligible persons may apply for appointment as notary on a prescribed form i.e. Memorial, which has to be countersigned by a Magistrate, a Nationalized Bank Manager, a Merchant and two prominent local residents. The Competent Authority, appointed by the Central Government, thereafter examines the Memorial and calls for fcoim.. comments/objections from the State Bar Council where the memorialist is enrolled as an advocate .The applicant is also requested to submit an affidavit deposing that he is neither a notary already appointed by any State Government nor his application for appointment as Notary is pending with the concerned State Government and also state the number of courts and the number of notaries in the desired area of practice. After considering the objections and the various facts the Competent Authority submits a report to the appropriate Govt. under Rule 7.On receipt of the report of the Competent Authority, the Central Government after considering the same takes an appropriate decision.

(b): A statement showing the maximum number of notaries to be appointed by the Central Government as well as State Government or Union Territory is enclosed at annexure.

(c) : Yes, sir.

(d): the quota of notaries to be appointed by the State Government of Kerala has been enhanced by 50% i,e. from 375 to 563 and same has been notified in the Gazette of India on 19.5.2006.